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OFFICE OF PETITIONS

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

In re Patent No. 7,605,862	: DECISION ON REQUEST
Issued: October 20, 2009	: FOR RECONSIDERATION
Application No. 10/759,272	: OF PATENT TERM ADJUSTMENT
Filed: January 20, 2004	: AND
Attorney Docket No: 320528568US	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R. § 1.705(B) filed on December 21, 2009, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 636 days to 951 days. This matter is being treated pursuant to 37 C.F.R. § 1.705(D).

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred fifty (950) days is **GRANTED to the extent indicated herein**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on January 20, 2007 and ends on January 27, 2008, the day before the RCE was filed, and the B delay considering the 58 days of overlap is 372 (not 373) days. See 35 U.S.C. 154(b)(1)(B)(i). Non-overlapping B delay is 314 days. As such, the patent term adjustment is 950, not 951 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred fifty (950)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

/Kery A. Fries/

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Associate Commissioner
for Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,605,862 B2

DATED : October 20, 2009

INVENTOR(S) : Chuan-Kung Hou

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (636) days

Delete the phrase "by 636 days" and insert – by 950 days--